

**RULES  
OF  
THE TENNESSEE DEPARTMENT OF STATE  
DIVISION OF BUSINESS SERVICES**

**CHAPTER 1360-8-4  
UNIFORM COMMERCIAL CODE  
FILING AND DATA ENTRY PROCEDURES**

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**1360-8-4-.01 POLICY STATEMENT.**

- (1) This section contains rules describing the filing procedures of the filing officer upon and after receipt of a UCC document. It is the policy of the filing officer to file promptly a document that conforms to these rules. Except as provided in these rules, data are transferred from UCC documents to the information management system exactly as the data are set forth in the document. Personnel who create reports in response to search requests type search criteria exactly as set forth on the search request. No effort is made to detect or correct errors of any kind.

**Authority:** T.C.A. §§4-5-202, 4-5-204, and 47-9-526. **Administrative History:** Original rule filed October 23, 2000; effective January 6, 2001.

**1360-8-4-.02 DOCUMENT INDEXING AND OTHER PROCEDURES BEFORE ARCHIVING.**

- (1) Date and time stamp and identifications number. The date and time of receipt and the identification number are noted on the document or otherwise permanently associated with the record maintained for a UCC document in the UCC information management system at the earliest possible time.
- (2) Cash management. Transactions necessary to payment of the filing fee and recording tax are performed.
- (3) Data entry and document review. Data entry and indexing functions are performed as described in this section. During such data entry and document review, the filing office determines whether a ground exists to refuse the document under rule 1360-8-2-.03.
  - (a) File stamp and identification number. If there is no ground for refusal of the document, the document is deemed filed under its assigned identification number. The sequence of the identification number is not an indication of the order in which the document was received.
  - (b) Correspondence. If there is a ground for refusal of the document, notification of refusal to accept the document is prepared as provided in rule 1360-8-2-.06. If there is no ground for refusal of the document, an acknowledgment of filing is prepared as provided in rule 1360-8-2-.07. If the UCC document was tendered in person notice of refusal or acknowledgment of the filing may be given to the remitter by personal delivery. If the UCC document was tendered by EDI transmission or on-line access, such notice or acknowledgment is transmitted to the remitter by EDI transmission or on-line response by transmitting an identification known to the

(Rule 1360-8-4-.02, continued)

remitter of the UCC document filed as well as the information required by rule 1360-8-2-.06 or rule 1360-8-2-.07. Acknowledgment of filing or notice of refusal of a UCC document tendered by means other than personal delivery, EDI transmission or on-line transmission may be sent to the secured party (or the first secured party if there are more than one) named on the UCC document or to the remitter if the remitter so requests by regular mail or by overnight courier if the remitter provides a prepaid waybill or access to the remitter's account with the courier.

**Authority:** T.C.A. §§4-5-202, 4-5-204, and 47-9-526. **Administrative History:** Original rule filed October 23, 2000; effective January 6, 2001.

#### **1360-8-4.03 FILING DATE.**

- (1) The filing date of a UCC document is the date the UCC document is received with the proper filing fee if the filing office is open to the public on that date or, if the filing office is not so open on that date, the filing date is the next date the filing office is so open, except that, in each case, UCC documents received after 4:30 P.M. shall be deemed received on the following filing date. The filing officer may perform any duty relating to the document on the filing date or on a date after filing date.

**Authority:** T.C.A. §§4-5-202, 4-5-204, and 47-9-526. **Administrative History:** Original rule filed October 23, 2000; effective January 6, 2001.

#### **1360-8-4.04 FILING TIME.**

- (1) The filing time of a UCC document is determined as provided in rule 1360-8-1-.07.

**Authority:** T.C.A. §§4-5-202, 4-5-204, and 47-9-526. **Administrative History:** Original rule filed October 23, 2000; effective January 6, 2001.

#### **1360-8-4.05 LAPSE DATE AND TIME.**

- (1) A lapse date is calculated for each initial financing statement (unless the debtor is indicated to be a transmitting utility). The lapse date is the same date of the same month as the filing date in the fifth year after the filing date or relevant subsequent fifth anniversary thereof if timely continuation statement is filed, but if the initial financing statement indicates that it is filed with respect to a public-finance transaction or a manufactured-home transaction, the lapse date is the same date of the same month as the filing date in the thirtieth year after the filing date. The lapse takes effect at midnight at the end of the lapse date. The relevant anniversary for a February 29 filing date shall be the March 1 in the fifth year following the year of the filing date.
- (2) Active financing statements filed prior to July 1, 2001, whose stated initial lapse (maturity) dates are beyond June 30, 2006, and whose debtors are not identified on the financing statements as transmitting utilities shall have their initial lapse (maturity) dates of record adjusted to June 30, 2006.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 47-9-515, 47-9-526, 47-9-705, and Attorney General Opinion No. 04-102. **Administrative History:** Original rule filed October 23, 2000; effective January 6, 2001. Amendment filed July 26, 2004; effective November 26, 2004.

#### **1360-8-4.06 ERRORS OF THE FILING OFFICER.**

- (1) The filing office may correct the errors of filing officer personnel in the UCC information management system at any time. If the correction is made after the filing officer has issued a certification date that includes the filing date of a corrected document, the filing officer shall proceed as follows. An entry shall be made upon the record of the financing statement in the UCC information management system

(Rule 1360-8-4-.06, continued)

stating the date of the correction and explaining the nature of the corrective action taken. The notation shall be preserved for so long as the record is preserved in the UCC information management system.

**Authority:** T.C.A. §§4-5-202, 4-5-204, and 47-9-526. **Administrative History:** Original rule filed October 23, 2000; effective January 6, 2001.

**1360-8-4-.07 ERRORS OTHER THAN FILING OFFICE ERRORS.**

- (1) An error by a filer is the responsibility of such filer. It can be corrected by filing an amendment or it can be disclosed by a correction statement.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 47-9-512, 47-9-518, and 47-9-526. **Administrative History:** Original rule filed October 23, 2000; effective January 6, 2001.

**1360-8-4-.08 DATA ENTRY OF NAMES - DESIGNATED FIELDS.**

- (1) A filing should designate whether a name is a name of an individual or an organization and, if an individual, also designates the first, middle and last names and any suffix. When this is done, the following rules shall apply.
  - (a) Organization names. Organization names are entered into the UCC information management system exactly as set forth in the UCC document, even if it appears that multiple names are set forth in the document or if it appears that the name of an individual has been included in the field designated for an organization name.
  - (b) Individual names. On a form that designates separate fields for first, middle, and last names and any suffix, the filing officer enters the names into the first, middle, and last name and suffix fields in the UCC information management system exactly as set forth on the form.
  - (c) Designated fields encouraged. The filing office encourages the use of forms that designate separate fields for individual and organization names and separate fields for first, middle, and last names and any suffix. Such forms diminish the possibility of filing office error and help assure that filers' expectations are met. However, filers should be aware that the inclusion of names in an incorrect field or failures to transmit names accurately to the filing office may cause filings to be ineffective. All documents submitted through direct data entry or through EDI will be required to use designated name fields.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 47-9-519, and 47-9-526. **Administrative History:** Original rule filed October 23, 2000; effective January 6, 2001.

**1360-8-4-.09 DATA ENTRY OF NAMES - NO DESIGNATED FIELDS.**

- (1) A UCC document that is an initial financing statement or an amendment that adds a debtor to a financing statement and that fails to specify whether the debtor is an individual or an organization should be refused by the filing office. If it is accepted for filing in error, the following rules shall apply.
  - (a) Identification of organizations. When not set forth in a field designated for individual names, a name is treated as an organization name if it contains words or abbreviations that indicate status such as the following and similar words or abbreviations in foreign languages: association, church, college, company, co., corp., corporation, inc., limited, ltd., club, foundation, fund, L.L.C., limited liability company, institute, society, union, syndicate, GmbH, S.A. de C.V., limited partnership, L.P., limited liability partnership, L.L.P., trust, business trust, co-op, cooperative and other designations established by statutes to indicate a statutory organization.

(Rule 1360-8-4-.09, continued)

In cases where organization or individual status is not designated by the filer and is not clear, the filing officer will use their own judgment.

- (b) Identification of individuals. A name is entered as the name of an individual and not the name of an organization when the name is followed by a title substantially similar to one of the following titles, or the equivalent of one of the following titles in a foreign language: proprietor, sole proprietor, proprietorship, sole proprietorship, partner, general partner, president, vice president, secretary, treasurer, M.D., O.D., D.D.S., attorney at law, Esq., accountant, CPA. In such cases, the title is not entered.
- (c) Individual and organization names on a single line. Where it is apparent that the name of an individual and the name of an entity are stated on a single line and not in a designated individual name field, the name of the individual and the name of the entity shall be entered as two separate debtors, one as an individual and one as an entity. Additional filing fees for the additional debtor name(s) may be required.
- (e) Individual names. The failure to designate the last name of an individual debtor in an initial financing statement or an amendment adding such debtor to a financing statement should cause a filing to be refused. If the filing is accepted in error, or if only the last name is designated, the following data entry rules apply.
  - 1. Freestanding initials. An initial in the first position of the name is treated as a first name. An initial in the second position of the name is treated as a middle name.
  - 2. Combined initials and names. An initial and a name to which the initial apparently corresponds is entered into one name field only (e.g. "D. (David)" in the name "John D. (David) Rockefeller" is entered as "John" (first name); "D. (David)" (middle name); "Rockefeller" (last name)).
  - 3. Multiple individual names on a single line. Two individual names contained in a single line are entered as two, different debtors (e.g. the debtor name "John and Mary Smith" is entered as two debtors: "John Smith", and "Mary Smith").
  - 4. One word names. A one word name is entered as a last name (e.g. "Cher" is treated as a last name).
  - 5. Nicknames. A nickname is entered in the name field together with the name preceding the nickname, or if none, then as the first name (e.g. "William (Bill) Jones").

**Authority:** T.C.A. §§4-5-202, 4-5-204, 47-9-519, and 47-9-526. **Administrative History:** Original rule filed October 23, 2000; effective January 6, 2001.

#### **1360-8-4-.10 VERIFICATION OF DATA ENTRY.**

- (1) The filing officer may use a number of different processes to verify the accuracy of data entry tasks, including: use of different staff to enter and verify data; double blind keying for key fields, such as debtor names; use of frequent party lists; and visual inspection of entered data.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 47-9-519, and 47-9-526. **Administrative History:** Original rule filed October 23, 2000; effective January 6, 2001.

**1360-8-4.11 INITIAL FINANCING STATEMENT.**

- (1) A new record is opened in the UCC information management system for each initial financing statement that bears the file number of the financing statement and the date and time of filing.
  - (a) The name and address of each debtor that are legibly set forth in the financing statement are entered into the record of the financing statement. Each such debtor name is included in the searchable index and is not removed until one year after the financing statement lapses. Debtor addresses might not be included in the searchable index except to the extent the filing office offers or intends to offer limited searches or limited copy requests as provided in rule 1360-8-5-.03.
  - (b) The name and address of each secured party that are legibly set forth in the financing statement are entered into the record of the financing statement.
  - (c) The record is indexed according to the name of the debtor(s) and is maintained for public inspection.
  - (d) A lapse date is established for the financing statement, unless the initial financing statement indicates it is filed against a transmitting utility, and the lapse date is maintained as part of the record.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 47-9-519, and 47-9-526. **Administrative History:** Original rule filed October 23, 2000; effective January 6, 2001.

**1360-8-4.12 AMENDMENT.**

- (1) A record is created for the amendment that bears the file number for the amendment and the date and time of filing.
  - (a) The record of the amendment is associated with the record of the related initial financing statement in a manner that causes the amendment to be retrievable each time a record of the financing statement is retrieved.
  - (b) The name and address of each additional debtor and secured parties are entered into the UCC information management system in the record of the financing statement. Each such additional debtor name is added to the searchable index and are not removed until one year after the financing statement lapses. Debtor addresses might not be included in the searchable index except to the extent the filing office offers or intends to offer limited searches or limited copy requests as provided in rule 1360-8-5-.03.
  - (c) If the amendment is a continuation, a new lapse date is established for the financing statement and maintained as part of its record.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 47-9-519, and 47-9-526. **Administrative History:** Original rule filed October 23, 2000; effective January 6, 2001.

**1360-8-4.13 CORRECTION STATEMENT.**

- (1) A record is created for the correction statement that bears the file number for the correction statement and the date and time of filing. The record of the correction statement is associated with the record of the related initial financing statement in a manner that causes the correction statement to be retrievable each time a record of the financing statement is retrieved.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 47-9-519, and 47-9-526. **Administrative History:** Original rule filed October 23, 2000; effective January 6, 2001.

**1360-8-4.14 GLOBAL FILINGS.**

- (1) The filing officer may accept for filing a single UCC document for the purpose of amending more than one financing statement, for one or both of the following purposes: amendment to change secured party name; amendment to change secured party address.
- (2) A blanket filing shall consist of a written document describing the requested amendment on a form approved by the filing office, and a machine readable file furnished by the remitter and created to the filing officer's specifications containing appropriate indexing information. A copy of blanket filing specifications is available from the filing officer upon request. Acceptance of a blanket filing is conditioned upon the determination of the filing officer in the filing officer's sole discretion.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 47-9-512, 47-9-519, and 47-9-526. **Administrative History:** Original rule filed October 23, 2000; effective January 6, 2001.

**1360-8-4.15 ARCHIVES - GENERAL.**

- (1) UCC documents optically imaged in the UCC information management system relating to financing statements that have lapsed or have been terminated are retained for at least four years from the date such financing statements become inactive as provided in rule 1360-8-3-.07(c).

**Authority:** T.C.A. §§4-5-202, 4-5-204, 47-9-522, and 47-9-526. **Administrative History:** Original rule filed October 23, 2000; effective January 6, 2001.

**1360-8-4.16 ARCHIVES - DATA RETENTION.**

- (1) Data in the UCC information management system relating to financing statements that have lapsed or have been terminated are retained for at least four years from the date such financing statements become inactive as provided in rule 1360-8-3-.07(c).

**Authority:** T.C.A. §§4-5-202, 4-5-204, 47-9-522, and 47-9-526. **Administrative History:** Original rule filed October 23, 2000; effective January 6, 2001.

**1360-8-4.17 ARCHIVAL SEARCHES.**

- (1) Retained documents and data in the UCC information management system relating to financing statements that have become inactive are searchable/retrievable upon an express request using the procedures established in Chapter 1360-8-5 and applying the fees established in rules 1360-8-1-.12 (4) and (5).

**Authority:** T.C.A. §§4-5-202, 4-5-204, 47-9-523(c), and 47-9-526. **Administrative History:** Original rule filed October 23, 2000; effective January 6, 2001.

**1360-8-4.18 NOTICE OF BANKRUPTCY.**

- (1) The filing officer takes no action upon receipt of a notification, formal or informal, of a bankruptcy proceeding involving a debtor named in the UCC information management system. Accordingly, filings will lapse in the information management system as scheduled unless properly continued.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 47-9-515, and 47-9-526. **Administrative History:** Original rule filed October 23, 2000; effective January 6, 2001.